



CRL OP(MD)No.13199 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08.01.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.13199 of 2021
and
Crl.M.P(MD) No.6810 of 2021

G.Muthurasu

... Petitioner

Vs

1.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District,
Thanjavur.
(Crime No.413 of 2021)

2.R.Mahendran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the First Information Report in Crime No.413 of 2021 dated 19.06.2021 on the file of the first respondent and quash the same as illegal as against the petitioner alone.

For Petitioner : Mrs.Seeni Syed Ammal

For R1 : Mr.M.Sakthi Kumar
Government Advocate(crl.side)



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ORDER

This Criminal Original Petition is filed by the petitioner to call for the records in Crime No.413 of 2021 of Thiruvonam Police Station, Thanjavur District and quash the same.

2. The grievance of the petitioner is that he has been charged for the offence punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 (in short MMDR Act) in Crime No.413 of 2021 by the Inspector of Police, Thiruvonam Police Station, Thanjavur, though there is a bar under Section 22 of the MMDR Act.

3. The learned Government Advocate (Crl. Side) relied on the decision of the Full Bench of this Court in WP(MD) No.14341 of 2022 dated 13.06.2023, wherein it has been held thus:-

200.(vi) In view of the aforesaid finding of this Court with regard to joint trial by the Special Court, this Court directs the police authorities, who have registered FIR for the offence u/s 379



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IPC to file the final report and the person authorised u/s 21 (4), who has seized the vehicle to file, private complaint before the concerned Magistrate Court/Special Court and in case the police officer has seized the vehicle u/s 21 (4) of the MMDR Act and also lodged the FIR u/s 379 IPC, to file final report and private complaint before the concerned Magistrate Court/Special Court, within a period of three months from the date of this order. Upon filing of the final report by the police authorities, the concerned Magistrate is directed to commit the case forthwith to the Special Court having jurisdiction. The Special Courts, which have received the private complaints filed by the person authorised under the MMDR Act shall take up the case along with the case committed in respect of IPC offences, if any, relating to the same offender jointly and shall complete the trial as expeditiously as possible upon filing of private complaint/committal of the case.



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4. In view of the above, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

08.01.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
cp

To

- 1.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

cp

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